THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24636 of 1997

DATED : 24.01.2007

Between:

Smt. Peddamma W/o Narayana Reddy

.... **PETITIONER**

And:

The Commissioner of Land Revenue,
Government of Andhra Pradesh,
Hyderabad and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24636 of 1997

ORDER:

This writ petition is filed questioning the proceedings bearing No.BCW1/1280/94 dated 13.08.1997 issued by the first respondent and the proceedings dated 20.07.1994 issued by the second respondent pertaining to an extent of 6 x 20 feet of land towards south of the house of the petitioner at Rangapuram village, Rolla Mandal, Anantapur District.

The case of the petitioner is that he has been in occupation of the land to an extent of 6 x 20 feet adjoining his house towards south since a long time, and it is a Gramakantam site. Adjoining this site towards south there is also a site measuring 10 x 30 feet for ingress and egress to reach the house of the fourth respondent, and the land in occupation of the petitioner does not affect the property of the fourth respondent. While so, he obtained permission

from the Mandal Revenue Officer, Rolla, vide proceedings dated 18.03.1991, for construction of compound wall in the land in his occupation. Questioning the same, respondents 4 to 6 filed an appeal before the third respondent, and the third respondent, by his proceedings dated 15.12.1993, set aside the order dated 18.03.1991 passed by the Mandal Revenue Officer. Challenging the same, the petitioner filed a revision before the second respondent and the second respondent also dismissed the same by his order dated 27.09.1994. Aggrieved thereby, the petitioner filed a further revision before the first respondent and the same was also dismissed on 13.08.1997. Hence, this writ petition.

A counter is filed on behalf of the fourth respondent stating that the petitioner has no right whatsoever in the land in question, that it is a gramakantam land, and that as the assignment granted in his favour was illegal, the assignment was cancelled, which does not call for any interference by this Court.

Heard the learned counsel for the parties.

Admittedly, the land in question is a gramakantam land belonging to the gram panchayat and the rights in the said land vests in the Gram Panchayat. When it is a gramakantam land, it is not known as to how the Mandal Revenue Officer granted permission to the petitioner to construct compound wall. Thus it is clear that the said permission is illegal. Hence, this Court has no hesitation to hold that the orders passed by the respondent-authorities are absolutely in accordance with law and they do not call for any interference.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

24.01.2007

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